

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	CIVIL ACTION NO. 05-11302-NG
AFTERMATH CLEANING COMPANY,	)	
INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
AFTERMATH, INC.,	)	
	)	
Defendant.	)	
_____	)	

**JOINT STATEMENT**

AGENDA

1. Schedule and procedure for resolving pending motion by Aftermath Cleaning Company, Inc. ("Plaintiff") for a preliminary injunction. (Depending on the outcome of this motion, the parties may request changes to the scheduling order.)
2. Schedule for the case.
3. Entry of Protective Order.

JOINT PROPOSED SCHEDULING PLAN

The Plaintiff and the Defendant submit the following Joint Proposed Scheduling Plan for this action:

- a. Track designation. The standard track designation is appropriate.
- b. Initial Disclosure Statements: The parties will exchange Initial Disclosure Statements pursuant to Fed. R. Civ. P. 26 on September 30, 2005.
- c. Joinder of parties/amendment of pleadings. The parties will join any additional parties and will amend the pleadings on or before November 11, 2005.

d. Discovery Proposals

i. Discovery close. (Agreed.)

The parties request that discovery close on April 27, 2006 except for expert discovery as set forth below.

ii. Document exchange. (Agreed.)

The parties will exchange initial interrogatories and document requests on or before October 19, 2005. The parties will exchange responses to interrogatories and responses to document requests on or before November 18, 2005 or 30 days after the entry of a protective order, whichever is later. The parties may serve additional discovery on or before 45 days prior to the close of discovery.

iii. Phased or limited discovery. (Agreed.)

The parties do not request phased or limited discovery at this time.

iv. Presumptive limits. (Agreed.)

The parties agree to the limits set forth in the Federal Rules of Civil Procedure.

v. Physical or mental examinations. (Agreed.)

The parties do not presently anticipate such examinations.

vi. Disclosure of expert witnesses and reports. (Agreed.)

The parties agree to disclose the identity of experts and provide copies of any reports on or before May 31, 2006. Any rebuttal reports will be provided on or before June 30, 2006. Discovery regarding experts will close on August 2, 2006.

vii. Dispositive motions. (Agreed.)

The parties agree that all dispositive motions will be filed on or before August 16, 2006 and responses filed on or before September 15, 2006.

viii. Trial date. (Agreed.)

The parties agree that the final pre-trial conference will be scheduled within thirty (30) days of the determination of any dispositive motions, or sixty (60) days from the close of the expert discovery period, whichever is later.

e. Length of case.

The parties presently anticipate that the trial of this case will take five (5) to seven (7) days.

f. Other matters.

There are no other matters that require the Court's attention at this time.

### CERTIFICATIONS

Certifications of the parties are attached hereto as Exhibit A and Exhibit B.

AFTERMATH CLEANING COMPANY, INC.

AFTERMATH, INC.,

By its attorneys,

By its attorneys,

/s/ Brenda M. Cotter

Brenda M. Cotter (BBO #548004)

Samantha L. Gerlovin (BBO #)

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- and -

Michael A. Hierl

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20 N. Wacker Drive

36<sup>th</sup> Floor

Chicago, IL 60606

(312) 580-1180

Dated: September 20, 2005

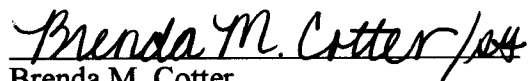
# **EXHIBIT A**

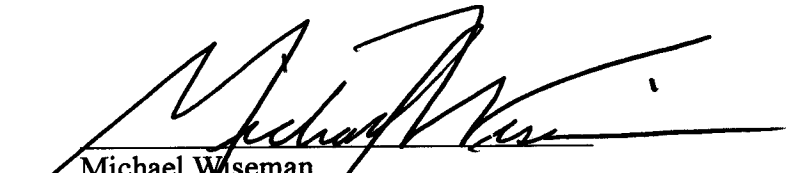
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Plaintiff,	)	
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v.	)	
	)	
AFTERMATH, INC.,	)	
	)	
Defendant.	)	
_____	)	

CERTIFICATION  
(By Aftermath Cleaning Company, Inc.)

This is to certify that counsel for Aftermath Cleaning Company, Inc. (the "Plaintiff") has conferred with the Plaintiff with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in local Rule 16.4.

  
Brenda M. Cotter  
Counsel to Aftermath Cleaning Co., Inc.

  
Michael Wiseman

## **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AFTERMATH CLEANING COMPANY,  
INC.,

Plaintiff,

v.

AFTERMATH, INC.,

Defendant.

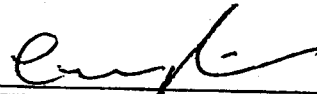
CIVIL ACTION NO. 05-11302-NG

CERTIFICATION  
(By Aftermath, Inc.)

This is to certify that counsel for Aftermath, Inc. (the "Defendant") has conferred with the Defendant with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation, and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in local Rule 16.4.



Michael A. Hierl  
Counsel for Aftermath, Inc.



Timothy Reifsteck  
Vice President  
Aftermath, Inc.